



PATENT
Customer No. 22,852
Attorney Docket No. 03180.0327

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Kazuya FUKUHARA et al.) Group Art Unit: 1756
)
Serial No.: 10/615,228) Examiner: Christopher G. Young
)
Filed: July 9, 2003)
) Confirmation No.: 8398
For: INSPECTION METHOD)
AND A PHOTOMASK)

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Applicants received a Notice of Abandonment, mailed May 5, 2006, indicating that the above-referenced application was abandoned for failure to timely file a proper reply to the Office Action mailed April 12, 2005 ("Office Action"). Applicants submit that this Notice of Abandonment is in error, for at least the reason presented below.

In the Office Action, the Examiner asserted that claims 1-26 were subject to a restriction requirement, alleging that claims 1-10, and 11-26 were directed to distinct and separate inventions, requiring restriction to a single invention under 35 U.S.C. § 121. See Office Action, page 2. Applicants timely submitted a Response to Restriction Requirement ("Response") on May 12, 2005, electing a single group of claims, specifically claims 1-10. Applicants attach a copy of the as-filed Response,

together with a copy of the postcard receipt from the U.S. Patent and Trademark Office, date-stamped May 12, 2005, acknowledging receipt of the Response .


Applicants respectfully submit that the postcard receipt, date-stamped May 12, 2005, provides sufficient evidence that the Response was timely filed. Accordingly, Applicants request that the Notice of Abandonment be withdrawn, and that this case be allowed to go forward.

Because the Notice of Abandonment was issued in error, Applicants are not enclosing a petition fee. However, if the Office determines that any fee is required for this matter, please charge the required fee to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 2, 2006

By: 
Darrell D. Kinder, Jr.
Reg. No. 57,460